HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.11971 of 1995

Dated: 19.01.2007

Between

G.Deenadayal Reddy and
two others.

.....
Petitioners

And

The Director of Intermediate
Education, A.P., Hyderabad
and two others.

.....Respondents

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.11971 of 1995

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not paying salaries to the petitioners as illegal and arbitrary and further, to declare that the third respondent is duty bound to claim the salaries of the petitioners and the second respondent is duty bound to send the bills and

make arrangements for payment of salaries to the petitioners.

It appears that petitioner Nos.1 to 3 were working as Lecturers in Sanskrit, Physics and Mathematics respectively in the third respondent College i.e., Noble Junior College, Hyderabad. According to them, most of the teaching and non-teaching posts in the third respondent-College were admitted to grant-in-aid. Even the posts held by the petitioners were also admitted to grant-in-aid. The petitioners received salaries in the time scale of pay as per the grant-in-aid. While that being so, suddenly the respondents stopped release of salaries to the petitioners. The petitioners came to know that subsequently, the Director of Intermediate Education has issued proceedings dated 14.03.1995 directing the Regional Joint Director of Higher Education and the Audit party to release the salaries to them. However, for the reasons best known to the third respondent-Special Officer, the bills have not been prepared and sent to the officers concerned claiming salaries of the petitioners and making payment of the same. Therefore, the present writ petition.

Counter-affidavit has been filed on behalf of the respondents, wherein it is asserted that the Special Officer assumed charge on 20.03.1995 and prior to that, the Correspondent of the third respondent-College did not claim the salaries of the petitioners in spite of their being proceedings issued by the Director of Intermediate Education on 14.03.1995; that after the Special Officer assumed charge, the petitioners did not attend the College and took any classes. Hence, their salaries were not claimed. Further, it is stated that the petitioners have not attended the invigilation work (special) during the Intermediate Public Examination held in the month of March/April 1995. The Special Officer stated that the then Management has not made any oral request or written representation for making the payment of salaries to the petitioners. He also reported that the petitioners were suspended for their non-co-operation and not handing over the college records and negligence of duties for escaping to hand over the charge and dereliction of duties.

From the above, it is clear that though the Director of Intermediate Education on 14.03.1995

issued proceedings directing to release salaries of the petitioners, the then Management of the third respondent-College did not claim the same. However, after the assumption of charge by the Special Officer, the petitioners did not attend to their duties and thereafter, they were suspended from service for their non-co-operation and dereliction of duties. Therefore, it cannot be said that the respondents have committed any illegality in not claiming the salaries of the petitioners at least from the date the Special officer has assumed the charge.

Now, it is brought to the notice of this Court that the third respondent- College is not functioning and it is wound up. Therefore, no direction can be given to respondent No.3 to claim the salaries of the petitioners and pay the same to them.

It appears that the Management of the third respondent-College has misappropriated an amount of Rs.52 lakhs and hence, payment of salaries to the petitioners was stopped. Thereafter, of course, the Director of Intermediate Education by his proceedings dated 14.03.1995 ordered for release of their salaries. As of now,

neither the Management nor the Special Officer of the third respondent-College is working. However, the petitioners are entitled to salaries for the period for which they have physically worked as Lecturers prior to the assumption of duties by the Special Officer.

Accordingly, the writ petition is disposed of directing respondent Nos.1 and 2 to consider payment of salaries of the petitioners and pay the same to them, since the Management of the third respondent-College is not available as of now. No order as to costs.

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(C.V.RAMULU, J)

19.01.2007
DR